

REJECTION OF CLAIMS 1-17 UNDER 35 U.S.C. § 103 (Garland/Reaves)

The Examiner rejected claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,266,390 issued to Garland alone or in view of U.S. Patent ,5,368,912 issued to Reaves.

Claims 2 and 11, however, are believed to be patentable over the prior art for the following reasons.

Claims 2 and 11 each limit a thickness of the first layer to fall within in the range of 1 to 2 mils. Garland does not disclose a thickness of a non-woven layer in the range of 1 to 2 mils. Garland discloses a total thickness of a dropcloth in the range of 0.0015 to 0.004 mils (col. 4, lines 4-7) with a "typical polyethylene film" having a thickness within the range of 0.0005 to 0.002 mils (col. 3, lines 44-47). Thus, one of the non-woven layers disclosed in Garland likely has a thickness in the range of 0.0005 to 0.001 mils. [?] This is substantially smaller than the thickness of the first layer claimed in the present invention.

Further, although Garland generally states that the dropcloth may have a greater thickness, Garland effectively teaches away from making a thicker dropcloth than that disclosed. In col. 4, lines 7-12, Garland states that "[a]lthough dropcloths or like covers of greater thickness may be constructed in accordance with the present invention, the cloth may not have the significant flexibility required in dropcloth and application because of the stiffness of the thicker cover". Garland, therefore, places emphasis on providing a flexible and drapable dropcloth and teaches that to achieve such flexibility, a total thickness in the range of 0.0015 to 0.004 mils is required. Therefore, Garland does not suggest providing a dropcloth including a non-woven layer having a thickness in the range of 1 to 2 mils. Further, it would not be obvious by the teachings of Garland to one skilled in the art to make such a dropcloth.

Reaves, also cited by the Examiner, does not disclose a thickness of the protective cover. Further, nowhere does Reaves suggest the protective cover have a thickness in the range of 1 to 2 mils.

Therefore, neither Garland nor Reaves, alone or in combination, discloses or suggests a dropcloth including a non-woven layer having a thickness in the range of 1 to 2 mils. As such, Applicant respectfully argues that claims 2 and 11 are allowable over the cited prior art.

If, after consideration of the above discussion, Examiner finds that claims 2 and 11 are allowable, Applicant will amend claims 1 and 10 to include the limitation of claims 2 and 11. Further, Applicant will subsequently cancel claims 2 and 11. Applicant believes that this action will put the application in condition for allowance. Action to that end is hereby solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response.

Respectfully submitted,



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